GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1440
ANSWERED ON:08.12.2015
Registration of FIR
Sundaram Shri P.R.

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has taken note of lack of sensitivity and grave negligence on the part of police administration to register complaints/FIRs etc.;

(b) if so, the reaction of the Governments thereto;

(c) whether the Supreme Court had directed the Union and State Governments to set up Police Complaints Authorities (PCA) at State/district levels;

(d) if so, the details thereof including the main objectives of setting of such authority along with the consultation held with all stakeholders by the Union Government till date; and

(e) the present status in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (b): Ministry of Home Affairs has received some isolated reports regarding non-registration of FIRs. The Union Government, attaches highest importance to the matter of Non-Registration of FIR and therefore a new Section 166A has been inserted in Section 166 of IPC, wherein provision to punish public servants, who fails to record any information / registration of FIR and such public servants can be punished with rigorous imprisonment for a term, which shall not be less than six months but which may extend to two years and shall also be liable to fine. The data of such cases are not maintained centrally by National Crime Records Bureau (NCRB).
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(c) to (e): In Writ Petition (Civil) No. 310/1996 - Prakash Singh and Others Versus Union of India and Others, the Supreme Court passed several directions to States/Union Territories on police reforms which, inter alia, included a direction on setting up of a police complaint authority both at State as well as District level to look into the complaints against the police officers and directed to file affidavits of compliance. The State level Complaints Authority would take cognizance of only allegations of serious misconduct by the police personnel, which would include incidents involving death, grievous hurt or rape in police custody. The District level Complaints Authority would, apart from above cases, may also inquire into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority. A copy of the Supreme Court judgment was sent to all State Governments for consideration and compliance. "Public Order" and "Police" are "State subjects" falling in Entry 1 & 2 of List-II of the Seventh Schedule of the Constitution of India and therefore, the responsibility for implementation of the direction of the Hon'ble Supreme Court regarding setting up of Police Complaints Authority falls within the domain of the State Governments and Union Territory Administrations. In so far as Union Territories are concerned, the Ministry of Home Affairs has already specified the composition, terms & conditions, appointment of Chairperson & Members and powers & functions of such authority for all the UT Administrations vide its letter dated 23.3.2010. The matter is sub-judice and is under active consideration of the Supreme Court.

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